



DEPARTMENT OF THE NAVY  
OFFICE OF THE SECRETARY  
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SECNAVINST 4200.34  
ASN (RD&A)  
24 March 1992

SECNAV INSTRUCTION 4200.34

From: Secretary of the Navy

Subj: CONTINUATION OF ESSENTIAL DOD CONTRACTOR SERVICES  
DURING CRISES

Encl: (1) DOD Instruction 3020.37 of 6 Nov 90

1. Purpose. To establish Department of the Navy policy, assign responsibilities, and prescribe procedures to provide reasonable assurance that essential services performed under contract are continued during crisis situations. This instruction implements the guidance provided in enclosure (1).
2. Policy. It is the Department of the Navy policy to provide reasonable assurance of the continuation of essential services during crisis situations using contractor employees or other necessary resources.
3. Responsibilities. The Assistant for Administration, Office of the Under Secretary (AA/USN), Chief of Naval Operations (CNO), Commandant of the Marine Corps (CMC), and Chief of Naval Research (CNR) are delegated the responsibilities delineated in paragraph E2 of enclosure (1) for their respective organizations.
4. Action. The AA/USN, CNO, CMC and CNR shall ensure that their offices, commands and activities which use essential contractor services, comply with the planning procedures described in paragraph F of enclosure (1), and this instruction.

H. Lawrence Garrett, III  
Secretary of the Navy

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(see next page)



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# Department of Defense INSTRUCTION

SECNAVINST 4200.34  
24 MAR 1992

November 6, 1990  
NUMBER 3020.37

ASD(FM&P)

SUBJECT: Continuation of Essential DoD Contractor Services  
During Crises

- References:
- (a) DoD Directive 1100.18, "Wartime Manpower Mobilization Planning," January 31, 1986
  - (b) Executive Order 12656, "Assignment of Emergency Preparedness Responsibilities," November 18, 1988
  - (c) DoD Instruction 1000.1, "Identity Cards Required by the Geneva Conventions," January 30, 1974
  - (d) DoD Directive 1404.10, "Retention of Emergency-Essential (E-E) DoD U.S. Civilian Employees Overseas," April 6, 1990
  - (e) through (j), see enclosure 1

## A. PURPOSE

This Instruction implements DoD policy, assigns responsibilities, and prescribes procedures, in accordance with references (a) and (b), to provide reasonable assurance of the continuation of essential services provided by DoD contractors, including services provided to Foreign Military Sales (FMS) customers, during crisis situations.

## B. APPLICABILITY

This Instruction applies to the Office of the Secretary of Defense (OSD); the Military Departments, including the Coast Guard when operating as a Service in the Navy; the Chairman, Joint Chiefs of Staff and the Joint Staff; the Combatant Commands; the Inspector General of the Department of Defense (IG, DoD); and the Defense Agencies (hereafter referred to collectively as "DoD Components").

## C. DEFINITIONS

Terms used in this Instruction are defined in enclosure 2.

Enclosure (1)

#### D. POLICY

It is DoD policy that:

1. The DoD Components shall rely on the most effective mix of the Total Force, cost and other factors considered, including Active, Reserve, civilian, host-nation, and contract resources necessary to fulfill assigned peacetime and wartime missions.

2. Contractors providing services designated as essential by a DoD Component are expected to use all means at their disposal to continue to provide such services, in accordance with the terms and conditions of the contract during periods of crisis, until appropriately released or evacuated by military authority.

3. DoD Components working with contractors performing essential services shall develop and implement plans and procedures which are intended to provide reasonable assurance of the continuation of essential services during crisis situations using contractor employees or other resources as necessary.

4. For situations where the cognizant DoD Component Commander has a reasonable doubt about the continuation of essential services during crisis situations by the incumbent contractor, the Commander shall prepare a contingency plan for obtaining the essential service from alternate sources (military, DoD civilian, host-nation, other contractor(s)).

#### E. RESPONSIBILITIES

1. The Assistant Secretary of Defense (Force Management and Personnel) (ASD(FM&P)) shall periodically monitor implementation of this Instruction.

2. The Heads of DoD Components shall:

a. Ensure that the policy and procedures in this Instruction are implemented by relevant subordinate organizations.

b. Ensure that all contractor services are reviewed annually, to include new and existing contracts, to determine which services will be essential during crisis situations.

c. Conduct an annual assessment of the unanticipated and/or premature loss of essential contractor services on the effectiveness of support to mobilizing and deployed forces. Include the results of these assessments into relevant portions

of the affected contingency and/or operations plans, consistent with JCS planning guidance.

d. Provide assistance to FMS customers in prioritizing security assistance requirements, planning for the retention of essential contractor personnel in a crisis, and recommending required actions relative to continuation or termination of security assistance programs.

e. Advise the ASD(FM&P) of any significant problems in implementing this Instruction.

3. The Chairman, Joint Chiefs of Staff (CJCS) shall:

a. Establish procedures for the preparation and review of contingency plans by the Combatant Commanders which conform to policy guidance from the President and the Secretary of Defense. Planning guidance shall include the review and assessment of alternatives to continue contractor services identified as critical to the execution of the plan.

b. Review for adequacy and feasibility, operations and/or contingency plans developed by the Combatant Commanders as part of the established deliberate planning process of the Joint Strategic Planning System.

c. Monitor the execution of contingency plans following activation by the applicable trigger mechanism (identified in paragraph 5. of enclosure 2).

F. PROCEDURES

The following essential services planning procedures apply to DoD Component activities using contractor services in peacetime:

1. Identify services designated as mission essential in the contract statement of work (SOW).

2. Maintain, in a current status, the following information:

a. The generic description of the essential contractor service.

b. The name, address, and telephone number of the contractor performing the essential service.

c. The name, address, and telephone number of the in-country contact for the DoD activity using the essential service, if overseas.

d. The number of contractor employees and equivalent man-years required to perform the essential service.

e. The number of dependents of designated-essential contractor employees to be included in noncombatant evacuation planning, if overseas.

3. Issue Geneva Convention identity cards in accordance with DoD Instruction 1000.1 (reference (c)), to essential contractor personnel overseas.

4. For situations where a reasonable assurance of continuation of essential services by a contractor cannot be attained, the cognizant DoD Component Activity Commander shall do one of the following:

a. Obtain military, DoD civilian, or host-nation personnel to perform the services concerned and, in consultation with appropriate legal and contracting personnel, determine the proper course of actions to transition from contractor provided services.

b. Prepare a contingency plan for obtaining the essential services from other sources if the contractor does not perform in a crisis.

c. Accept the risk attendant with a disruption of the service during a crisis situation.

5. Include provisions in operations or contingency plans to assume or supplement contractor-supplied essential services during crisis situations at the earliest opportunity, when members of the U.S. Armed Forces, DoD civilians (DoD Directive 1404.10) (reference (d)), or host-nation resources can be identified to perform the essential DoD-contracted services. The contractor providing the service should be made aware of such replacement and transitioning plans.

6. Ensure the contract SOW requires the development of contractor contingency plans for those tasks that have been identified as essential to provide reasonable assurance of continuation during crisis conditions.

7. Establish administrative controls to ensure that all information on essential contractor employees overseas is handled as sensitive data and released only to authorized personnel.

8. Ensure that contractors providing essential services identify their employees having military mobilization recall commitments and have adequate plans for replacing those employees

Nov 6, 90  
3020.37

in the event of mobilization, in accordance with the guidelines in DoD Directives 1200.7 and 1352.1 (references (e) and (f)).

9. Ensure that information on contractor-employee benefits due to war exigencies, under 33 U.S.C. 901 and 42 U.S.C. 1651 and 1701 (references (g) and (h)), is fully developed and provided in writing to all affected contractor employees.

G. EFFECTIVE DATE AND IMPLEMENTATION

This Instruction is effective immediately. Forward two copies of implementing documents to the Assistant Secretary of Defense (Force Management and Personnel) within 120 days.



Assistant Secretary of Defense  
(Force Management and Personnel)

Enclosures - 2

1. References
2. Definitions

REFERENCES, continued

- (e) DoD Directive 1200.7, "Screening the Ready Reserve," April 6, 1984
- (f) DoD Directive 1352.1, "Management and Mobilization of Regular and Reserve Retired Military Members," March 2, 1990
- (g) Title 33, United States Code, Section 901, et seq. (Public Law 69-803, "Longshoremen's and Harbor Workers' Compensation Act," March 4, 1927)
- (h) Title 42, United States Code, Sections 1651 and 1701, et seq. (Public Law 77-208, "Defense Base Act," August 16, 1941, and Public Law 77-784, "War Hazards Compensation Act," December 2, 1942)
- (i) JCS Pub. 1-02, "Department of Defense Dictionary of Military and Associated Terms," December 1989
- (j) Public Law 94-329, "International Security Assistance and Arms Export Control Act of 1976," June 30, 1976

## DEFINITIONS

1. Crisis Situation. Any emergency so declared by the National Command Authority (NCA) or the overseas Combatant Commander, whether or not U.S. Armed Forces are involved, minimally encompassing civil unrest or insurrection, civil war, civil disorder, terrorism, hostilities buildup, wartime conditions, disasters, or international conflict presenting a serious threat to DoD interests.

2. Defense Readiness Condition (DEFCON). A number or code word indicating the readiness posture of a unit for actual operations or exercises, as defined in JCS Pub 1-02 (reference (i)). Also, called "state of readiness."

3. Essential Contractor Service. A service provided by a firm or an individual under contract to the Department of Defense to support vital systems including ships owned, leased, or operated in support of military missions or roles at sea and associated support activities including installation, garrison, and base support services considered of utmost importance to the U.S. mobilization and wartime mission. That includes services provided to FMS customers under the Security Assistance Program. Those services are essential because of the following:

a. DoD Components may not have military or DoD civilian employees to perform these services immediately.

b. The effectiveness of defense systems or operations may be seriously impaired, and interruption is unacceptable when those services are not available immediately.

4. Foreign Military Sales (FMS). That portion of U.S. security assistance authorized by Public Law 94-329 as amended (reference (j)).

5. Trigger Mechanism. Subject to CJCS oversight, and with recommendations by Defense Agencies, the cognizant Combatant Commander assesses the crisis situation in the specific area of operational responsibility in which contractor employees are located, and the Combatant Commander or senior U.S. authority makes a decision to activate applicable plans, or when DEFCON 3 is declared for that area.

6. Vital Defense Systems and Associated Support Activities

a. Command, control, communications, and intelligence (C3I) systems, including tactical and strategic information, intelligence collection, and computer subsystems.

b. Selected operational weapons systems, including those being brought into the DoD inventory, international customer inventory, or fielded systems undergoing major modifications.

c. Operational logistics support of the systems described in paragraphs 6.a. and b., above, medical services, noncombatant evacuation activities, and other wartime services if determined vital to mission continuance by the Component Commander.